

Senate Bill 208

By: Senators Robertson of the 29th, Albers of the 56th, Harper of the 7th, Mullis of the 53rd
and Dugan of the 30th

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Article 3 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated,
2 relating to cancellation, suspension, and revocation of licenses, so as to revise the implied
3 consent notices; to provide for related matters; to provide an effective date; to repeal
4 conflicting laws; and for other purposes.

5 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

6 **SECTION 1.**

7 Article 3 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to
8 cancellation, suspension, and revocation of licenses, is amended by revising subsection (b)
9 of Code Section 40-5-67.1, relating to chemical tests, implied consent notices, rights of
10 motorists, test results, refusal to submit, suspension or disqualification, administrative license
11 suspension hearing and review, and inspection and certification of breath-testing instruments,
12 as follows:

13 "(b) At the time a chemical test or tests are requested, the arresting officer shall select and
14 read to the person the appropriate implied consent notice from the following:

15 (1) Implied consent notice for suspects under age 21:

16 ~~'Georgia law requires you to submit to state administered chemical tests of your blood,~~
17 ~~breath, urine, or other bodily substances for the purpose of determining if you are under~~
18 ~~the influence of alcohol or drugs. If you refuse this testing, your Georgia driver's~~
19 ~~license or privilege to drive on the highways of this state will be suspended for a~~
20 ~~minimum period of one year. Your refusal to submit to the required testing may be~~
21 ~~offered into evidence against you at trial. If you submit to testing and the results~~
22 ~~indicate an alcohol concentration of 0.02 grams or more, your Georgia driver's license~~
23 ~~or privilege to drive on the highways of this state may be suspended for a minimum~~
24 ~~period of one year. After first submitting to the required state tests, you are entitled to~~
25 ~~additional chemical tests of your blood, breath, urine, or other bodily substances at your~~
26 ~~own expense and from qualified personnel of your own choosing. Will you submit to~~

the state administered chemical tests of your (designate which tests) under the implied consent law The State of Georgia has conditioned your privilege to drive upon the highways of this state upon your submission to state administered chemical tests of your blood, breath, urine, or other bodily substances for the purpose of determining if you are under the influence of alcohol or drugs. If you refuse this testing, your Georgia driver's license or privilege to drive on the highways of this state will be suspended for a minimum period of one year. Your refusal to submit to blood or urine testing may be offered into evidence against you at trial. If you submit to testing and the results indicate an alcohol concentration of 0.02 grams or more, your Georgia driver's license or privilege to drive on the highways of this state may be suspended for a minimum period of one year. After first submitting to the requested state tests, you are entitled to additional chemical tests of your blood, breath, urine, or other bodily substances at your own expense and from qualified personnel of your own choosing. Will you submit to the state administered chemical tests of your (designate which test)?'

(2) Implied consent notice for suspects age 21 or over:

~~'Georgia law requires you to submit to state administered chemical tests of your blood, breath, urine, or other bodily substances for the purpose of determining if you are under the influence of alcohol or drugs. If you refuse this testing, your Georgia driver's license or privilege to drive on the highways of this state will be suspended for a minimum period of one year. Your refusal to submit to the required testing may be offered into evidence against you at trial. If you submit to testing and the results indicate an alcohol concentration of 0.08 grams or more, your Georgia driver's license or privilege to drive on the highways of this state may be suspended for a minimum period of one year. After first submitting to the required state tests, you are entitled to additional chemical tests of your blood, breath, urine, or other bodily substances at your own expense and from qualified personnel of your own choosing. Will you submit to the state administered chemical tests of your (designate which tests) under the implied consent law~~ The State of Georgia has conditioned your privilege to drive upon the highways of this state upon your submission to state administered chemical tests of your blood, breath, urine, or other bodily substances for the purpose of determining if you are under the influence of alcohol or drugs. If you refuse this testing, your Georgia driver's license or privilege to drive on the highways of this state will be suspended for a minimum period of one year. Your refusal to submit to blood or urine testing may be offered into evidence against you at trial. If you submit to testing and the results indicate an alcohol concentration of 0.08 grams or more, your Georgia driver's license or privilege to drive on the highways of this state may be suspended for a minimum period of one year. After first submitting to the requested state tests, you are entitled

64 to additional chemical tests of your blood, breath, urine, or other bodily substances at
65 your own expense and from qualified personnel of your own choosing. Will you
66 submit to the state administered chemical tests of your (designate which test)?'

67 (3) Implied consent notice for commercial motor vehicle driver suspects:

68 ~~'Georgia law requires you to submit to state administered chemical tests of your blood,~~
69 ~~breath, urine, or other bodily substances for the purpose of determining if you are under~~
70 ~~the influence of alcohol or drugs. If you refuse this testing, you will be disqualified~~
71 ~~from operating a commercial motor vehicle for a minimum period of one year. Your~~
72 ~~refusal to submit to the required testing may be offered into evidence against you at~~
73 ~~trial. If you submit to testing and the results indicate the presence of any alcohol, you~~
74 ~~will be issued an out-of-service order and will be prohibited from operating a motor~~
75 ~~vehicle for 24 hours. If the results indicate an alcohol concentration of 0.04 grams or~~
76 ~~more, you will be disqualified from operating a commercial motor vehicle for a~~
77 ~~minimum period of one year. After first submitting to the required state tests, you are~~
78 ~~entitled to additional chemical tests of your blood, breath, urine, or other bodily~~
79 ~~substances at your own expense and from qualified personnel of your own choosing.~~
80 ~~Will you submit to the state administered chemical tests of your (designate which tests)~~
81 ~~under the implied consent law~~ The State of Georgia has conditioned your privilege to
82 drive upon the highways of this state upon your submission to state administered
83 chemical tests of your blood, breath, urine, or other bodily substances for the purpose
84 of determining if you are under the influence of alcohol or drugs. If you refuse this
85 testing, you will be disqualified from operating a commercial motor vehicle for a
86 minimum period of one year. Your refusal to submit to blood or urine testing may be
87 offered into evidence against you at trial. If you submit to testing and the results
88 indicate the presence of any alcohol, you will be issued an out-of-service order and will
89 be prohibited from operating a commercial motor vehicle for 24 hours. If the results
90 indicate an alcohol concentration of 0.04 grams or more, you will be disqualified from
91 operating a commercial motor vehicle for a minimum period of one year. After first
92 submitting to the requested state tests, you are entitled to additional chemical tests of
93 your blood, breath, urine, or other bodily substances at your own expense and from
94 qualified personnel of your own choosing. Will you submit to the state administered
95 chemical tests of your (designate which test)?'

96 If any such notice is used by a law enforcement officer to advise a person of his or her
97 rights regarding the administration of chemical testing, such person shall be deemed to
98 have been properly advised of his or her rights under this Code section and under Code
99 Section 40-6-392 and the results of any chemical test, or the refusal to submit to a test, shall

100 be admitted into evidence against such person. Such notice shall be read in its entirety but
101 need not be read exactly so long as the substance of the notice remains unchanged."

102 **SECTION 2.**

103 This Act shall become effective upon its approval by the Governor or upon its becoming law
104 without such approval.

105 **SECTION 3.**

106 All laws and parts of laws in conflict with this Act are repealed.